

MEMORANDUM

July 20, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: LAW FIRM OF ALLEN THOMAS
Allen Thomas, Esq.

BRIAN T. CHU
Senior Deputy County Counsel
General Litigation Division

RE: Patricia Steffen v. County of Los Angeles
Los Angeles Superior Court Case No. SC 084680

DATE OF
INCIDENT: July 15, 2004

AUTHORITY
REQUESTED: \$50,000

COUNTY
DEPARTMENT: Department of Public Works

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2006

SUMMARY

This is a recommendation to settle for \$50,000 a lawsuit filed by Patricia Steffen for the personal injuries she received in an automobile accident with an employee of the Department of Public Works on July 15, 2004.

LEGAL PRINCIPLE

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

A Department of Public Works employee driving a pick-up truck southbound on Pacific Coast Highway near the intersection of Cross Creek Road, in the City of Malibu, rear-ended a stopped car driven by Patricia Steffen. Ms. Steffen's car then collided into a second car that was stopped in front of her.

DAMAGES

Ms. Steffen has a herniated disc in her neck, pain radiating from her spine to her right arm and numbness to her hand. She has been treated with three epidural cortisone injections in her neck for pain, but will likely require additional such injections and possibly corrective neck surgery. She is also undergoing physical therapy for the pain. The County has resolved Ms. Steffen's claim of \$928.55 for the damages to her car.

Should this matter proceed to trial, we anticipate Ms. Steffen will offer evidence of damages as follows:

Past medical expenses	\$ 70,000
Pain and suffering	\$ 20,000
Future medical expenses	<u>\$ 125,000</u>
Total	\$ 215,000

STATUS OF CASE

The trial date for this case was vacated to allow action on this proposed settlement. Prior to Ms. Steffen's filing of this suit, the driver of the second car presented a claim for his damages which was settled in the amount of \$7,500.

Legal expenses incurred by the County to date in defense of this matter are attorneys' fees of \$5,799.13 and \$1,811.76.

EVALUATION

This is a case of undisputed liability. The County employee failed to notice that Ms. Steffen's car was stopped in front of him and rear-ended it. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

RECOMMENDATION

We join with our third party administrator, Carl Warren and Company, and our private counsel, the Law Firm of Allen Thomas, in recommending a settlement of this matter in the amount of \$50,000. The Department of Public Works concurs in this settlement recommendation.

APPROVED:

A handwritten signature in black ink, appearing to read 'Ralph Rosato', is written over a horizontal line.

RALPH ROSATO
Assistant County Counsel
General Litigation Division

RLR:ac